
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MARK JESS ROBERTS,
Petitioner,

v.

SHERIFF NATHAN CURTIS,
Respondent.

**MEMORANDUM DECISION &
ORDER GRANTING POST-
JUDGMENT MOTION, VACATING
DISMISSAL ORDER, & ORDERING
FURTHER ANSWER OR MOTION TO
DISMISS AND REPLY FROM PARTIES**

Case No. 4:19-CV-63 DN

District Judge David Nuffer

On January 12, 2021, based on a comprehensive failure-to-prosecute analysis, centering on Petitioner's failure to respond to Respondent's Motion to Dismiss, the Court dismissed the federal habeas petition here. (ECF Nos. 1, 4, 6.) Petitioner appealed right away. (ECF No. 10.) On March 11, 2021, Petitioner moved for relief from judgment, arguing that his neglect to prosecute this case was due to his dependence on assurances from counsel who ultimately did not follow through on promised filings. (ECF No. 24.) Petitioner later successfully voluntarily dismissed his appeal. (ECF No. 31.)

ORDER

IT IS ORDERED that:

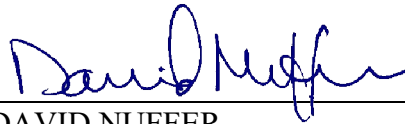
(1) For good cause appearing, Petitioner's motion for relief from judgment is **GRANTED**. (ECF No. 24.)

(2) The Order to Dismiss, (ECF No. 6), Judgment, (ECF No. 7), and Certificate of Appealability, (ECF No. 19), are **VACATED**.

(3) Within forty-five days, Respondent must file a new answer or motion to dismiss. And, within thirty days after filing of the new answer or motion to dismiss, Petitioner must respond. Any failure to comply by Petitioner will result in dismissal.

DATED this 28th day of July, 2022.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

DAVID NUFFER
United States District Judge